

ESTTA Tracking number: **ESTTA174834**

Filing date: **11/14/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Heeling Sports Limited
Granted to Date of previous extension	11/14/2007
Address	3200 Belmeade Dr.Suite 100 Carrollton, TX 75006 UNITED STATES
Attorney information	Robert J. Ward Gardere Wynne Sewell LLP 1601 Elm StreetSuite 3000 Dallas, TX 75201 UNITED STATES ip@gardere.com, lhemphill@gardere.com, pat@iplaw1.net Phone:214.999.4266

### Applicant Information

Application No	77113599	Publication date	07/17/2007
Opposition Filing Date	11/14/2007	Opposition Period Ends	11/14/2007
Applicant	Intec Corporation Old Bridge Township 21 Industrial Drive Cliffwood Beach, NJ 07735 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Footwear
---

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2720347	Application Date	06/02/2000
Registration Date	06/03/2003	Foreign Priority Date	NONE
Word Mark	HEELYS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 028. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Roller skates equipped with at least one roller used for walking, running and rolling; replacement equipment for roller skates, namely, wheels, rollers, ball bearings, grind plates, wheel assemblies and axles		
----------------	---	--	--

U.S. Registration No.	2698390	Application Date	11/17/2000
Registration Date	03/18/2003	Foreign Priority Date	NONE
Word Mark	HEELYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Roller skates equipped with at least one roller used for walking, running and rolling; replacement equipment for roller skates, namely, wheels, rollers, ball bearings, grind plates, wheel assemblies and axles		

U.S. Registration No.	2693898	Application Date	11/17/2000
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	H HEELYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Roller skates equipped with at least one roller used for walking, running and rolling; replacement equipment for roller skates, namely, wheels, rollers, ball bearings, grind plates, wheel assemblies and axles		

Attachments	76063673#TMSN.gif ( 1 page )( bytes ) 76168009#TMSN.gif ( 1 page )( bytes ) 76167878#TMSN.gif ( 1 page )( bytes ) Heeling Notice of Opposition Against HEELS DOWN.pdf ( 6 pages )(2005278 bytes )
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lisa R. Hemphill/
Name	Lisa R. Hemphill
Date	11/14/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HEELING SPORTS LIMITED

Opposer,

OPPOSITION NO.

vs.

Application Serial No. 77/113,599

INTEC CORPORATION

Applicant.

**NOTICE OF OPPOSITION**

Commissioner of Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

This matter relates to an application for trademark registration, Serial No. 77/113,599, filed February 22, 2007 by Intec Corporation ("Applicant") in connection with goods in Class 25, which application ("Opposed Application") was published in the Official Gazette of the United States Patent and Trademark Office on July 17, 2007. Heeling Sports Limited ("Opposer"), a Texas limited partnership, having its principal place of business at 3200 Belmeade Dr., Suite 100, Carrollton, TX 75006, believes that it would be damaged by the grant of registration on such application, and hereby opposes the registration of the mark of such application.

As grounds for such opposition, it is alleged that:

1. Beginning from a date long prior to any priority date by which, upon information and belief, Applicant can rely, and continuing to the present time, Opposer has used, since at least as early as 2000, the mark HEELYS, and has used the mark HEELYS, by itself and/or with

design elements and/or other words, with footwear and roller skates equipped with at least one roller used for walking, running and rolling, throughout the United States and elsewhere. Opposer's above-stated mark shall hereinafter be referred to as "Opposer's Mark."

2. Opposer's Mark has been so extensively used and advertised by Opposer that it has come to indicate, to the relevant trade and consumers, footwear and wheeled footwear having its source of origin or being connected with the Opposer.

3. Opposer is the owner of, inter alia, United States Registration Nos. 2720347, 2698390, 2693898, and such registrations are valid and subsisting. A copy of each of these registrations is attached hereto as Exhibits A-C.

4. Opposer's Mark has not now nor have they ever been abandoned.

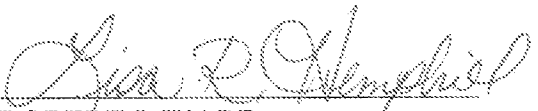
5. Upon information and belief, Applicant has not made any use of the mark sought to be registered in Opposed Application, and is not otherwise entitled to a priority date, prior to February 22, 2007, the filing date of Opposed Application.

6. Upon information and belief, the trademark sought to be registered by Applicant in application Serial No. 77/113,599 consists of a mark which so resembles Opposer's Mark, identified above and previously used and registered by Opposer, and not abandoned, as to be likely, when associated with the goods of Applicant, to cause confusion or to cause mistake or to deceive, thereby to Opposer's damage.

WHEREFORE, Opposer prays that Applicant be required to answer this Notice of Opposition; that upon hearing, said application Serial No. 77/113,599 be ordered withdrawn; that registration of the mark therein disclosed be refused, and that Opposer have such other and further relief as may be deemed to be just and proper.

Respectfully submitted,

Date: November 14, 2007



ROBERT J. WARD  
LISA R. HEMPHILL  
Gardere Wynne Sewell, LLP  
3000 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
Tel: 214-999-4682  
Fax: 214-999-3623  
Attorneys for Opposer

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,720,347

United States Patent and Trademark Office

Registered June 3, 2003

TRADEMARK  
PRINCIPAL REGISTER

HEELYS

HEELING SPORTS LIMITED (TEXAS LIMITED  
PARTNERSHIP)  
1205 VENTURE CT.  
SUITE 109  
CARROLLTON, TX 75006

PLATES, WHEEL ASSEMBLIES AND AXLES, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-2000; IN COMMERCE 12-0-2000.

FOR: ROLLER SKATES EQUIPPED WITH AT  
LEAST ONE ROLLER USED FOR WALKING, RUN-  
NING AND ROLLING; REPLACEMENT EQUIP-  
MENT FOR ROLLER SKATES, NAMELY,  
WHEELS, ROLLERS, BALL BEARINGS, GRIND

SEC. 2(F).

SER. NO. 76-063,673, FILED 6-2-2000.

LAURA KOVAISKY, EXAMINING ATTORNEY

EXHIBIT

A

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,698,390

Registered Mar. 18, 2003

TRADEMARK  
PRINCIPAL REGISTER



HEELING SPORTS LIMITED (TEXAS LIMITED  
PARTNERSHIP)  
1205 VENTURE CT., SUITE 109  
CARROLLTON, TX 75006

PLATES, WHEEL ASSEMBLIES AND AXLES, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-2000; IN COMMERCE 12-0-2000.

FOR: ROLLER SKATES EQUIPPED WITH AT  
LEAST ONE ROLLER USED FOR WALKING, RUN-  
NING AND ROLLING; REPLACEMENT EQUIP-  
MENT FOR ROLLER SKATES, NAMELY,  
WHEELS, ROLLERS, BALL BEARINGS, GRIND

SN 76-168,009, FILED 11-17-2000.

AMY GEARIN, EXAMINING ATTORNEY

EXHIBIT

B

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,693,898

Registered Mar. 4, 2003

TRADEMARK  
PRINCIPAL REGISTER



HEELING SPORTS LIMITED (TEXAS LIMITED  
PARTNERSHIP)  
1205 VENTURE CT., SUITE 109  
CARROLLTON, TX 75006

PLATES, WHEEL ASSEMBLIES AND AXLES, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-2000; IN COMMERCE 12-0-2000.

FOR: ROLLER SKATES EQUIPPED WITH AT  
LEAST ONE ROLLER USED FOR WALKING, RUN-  
NING AND ROLLING; REPLACEMENT EQUIP-  
MENT FOR ROLLER SKATES, NAMELY,  
WHEELS, ROLLERS, BALL BEARINGS, GRIND

SN 76-167,878, FILED 11-17-2000.

AMY GEARIN, EXAMINING ATTORNEY

EXHIBIT

C